IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10641 of 2004

Between:
Smt. Karre Bhulaxmi, W/o. Muniyya,
Kalapatam(v) Guduru(M), Krishna District.
..... PETITIONER

AND

1 The Revenue Divisional Officer, Machilipatnam, Krishna District.
2 The Mandal Revenue Officer, Guduru (M), Krishna District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably writ of mandamus declaring the notification issued by 1st respondent vide No. K.3177/2002 dt. 14-6-2004 in so far as the petitioner's shop is concerned i.e. Fair Price Shop of Kalapatam Village, Guduru (M) Krishna District as illegal, arbitrary and violative of principles of natural Justice and consequently direct the respondent No.1 to renew the authorization of the petitioners

For the Petitioner: MR.Kowturu Vinaya Kumar, Advocate

For the Respondents: Government Pleader for Civil Supplies

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in issuing notification calling for applications for filling up of the vacancy of Fair Price Shop Dealership of Kalapatam village, Gudur Mandal, Krishna District on permanent basis.

2. According to the petitioner, she was appointed as a Fair Price Shop Dealer by proceedings dated 07.12.1999, which was valid up to 31.03.2001. Thereafter, it is stated that the petitioner fell sick and due to ill health she could not get the renewal of the authorization. In view of the non-renewal of the authorization, the second respondent made alternative arrangement for distribution of commodities temporarily.

But, the grievance of the petitioner is that her authorization is neither suspended nor cancelled. Therefore, the subsequent action of the first respondent in issuing notification dated 14.06.2004 to fill up the vacancy of Fair Price Shop Dealership of Kalapatam village, Guduru Mandal, Krishna Division is illegal and without jurisdiction as there is no vacancy with reference to this particular village. It is also stated that the petitioner made a representation, dated 22.06.2004, before the first respondent. In spite of the said representation, without passing any orders, the first respondent had proceeded with the conducting of interviews on 25.06.2004. Hence, the present writ petition.

3. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

4. Admittedly, the authorization granted in favour of the petitioner had expired by 31.03.2001. Thereafter, the same was not renewed for one reason or the other. Though, according to the petitioner, she fell sick and therefore, she could not get it renewed, as per the statement of the petitioner, it is clear that the second respondent has made alternative temporary arrangement for distribution of essential commodities and

finally the first respondent on 14.06.2004 issued notification for filling up of the vacancy along with other vacancies in the Sub Division.

5. The contention of the learned counsel for the petitioner is that the authorization issued in favour of the petitioner is neither suspended nor cancelled. Therefore, the first respondent cannot issue notification calling for applications for filling up the same. This argument is clearly devoid of merit, as the petitioner's authorization was not renewed after 31.03.2001 and no authorization exists in favour of the petitioner. Therefore, the said contention is clearly devoid of merit.

6. However, it is stated that a representation dated 22.06.2004 was made to the first respondent. Therefore, the first respondent is directed to dispose of the said representation within a period of two weeks from the date of receipt of a copy of this order.

7. Under the above circumstances, the writ petition is disposed of with the above directions. No costs.

24.06.2004

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To

1 The Revenue Divisional Officer, Machilipatnam, Krishna District.
2 The Mandal Revenue Officer, Guduru (M), Krishna District.
3. Two CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)
4. Two CD copies